

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PERCY CURRY ET AL,

Plaintiffs,

v.

CASE NO. 06-11728  
HON. LAWRENCE P. ZATKOFF

SBC COMMUNICATIONS, INC., a.k.a. AT&T.,  
the COMMUNICATION WORKERS OF AMERICA,  
and COMMUNICATION WORKERS OF AMERICA  
LOCAL 4108,

Defendants.

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**ORDER DISMISSING PLAINTIFFS' STATE LAW CLAIM**

Plaintiffs filed their Complaint on April 10, 2006. Plaintiffs' Complaint contains the following three counts:

- Count I      Racial discrimination in violation of Title VII;
- Count II      Racial discrimination in violation of § 1981; and
- Count III     Violation of the Elliott-Larsen Civil Rights Act.

*See* Complaint.

The Court has subject matter jurisdiction over Counts I and II, because they arise under federal law. *See* 28 U.S.C. § 1331. Count III, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiffs' parallel state claim for relief will result in the undue confusion of the jury.

*See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs' state law claim of Violation of the Elliott-Larsen Civil Rights Act (Count III) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiffs' federal claims (Counts I and II).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: April 28, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 28, 2006.

s/Marie E. Verlinde

Case Manager

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